

LINK:

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No.	CV 15-04257 BRO (SSx)	Date	June 10, 2015
Title	ROBIN MIGLIORE ET AL. V. DENTAL FIX RX, LLC		

Present: The Honorable	BEVERLY REID O’CONNELL, United States District Judge		
Renee A. Fisher	Not Present		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not Present		Not Present	

Proceedings: (IN CHAMBERS)

ORDER TO SHOW CAUSE RE: SUBJECT MATTER JURISDICTION

A federal court must determine its own jurisdiction even if there is no objection. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339, 342 (9th Cir. 1996). Because federal courts are of limited jurisdiction, they possess original jurisdiction only as authorized by the Constitution and federal statute. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Original jurisdiction may be established pursuant to 28 U.S.C. § 1332. Under section 1332, a federal district court has jurisdiction over a civil action between citizens of different states where the amount in controversy exceeds \$75,000.

In its Notice of Removal, Defendant Dental Fix RX, LLC asserts that there is complete diversity of citizenship between the parties because Plaintiffs are California citizens and Defendant “has its principal place of business in Miami, Florida, and thus, is a citizen of Florida for the purposes of § 1332.” (Not. of Removal ¶¶ 6 (citing Compl. ¶¶ 2, 6).) Defendant, however, is a limited liability company, and for purposes of determining diversity of citizenship, a limited liability company is considered to be a citizen of every state of which its members are citizens. *See Johnson v. Columbia Props. Anchorage*, 437 F.3d 894, 899 (9th Cir. 2006) (“We therefore join our sister circuits and hold that, like a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”). Should any member of Defendant’s company be a California citizen, complete diversity would be destroyed, and the Court would lack subject matter jurisdiction under 28 U.S.C. § 1332. Thus, without more information, it remains unclear whether the Court has jurisdiction pursuant to 28 U.S.C. § 1332.

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The Court therefore **ORDERS** Defendant to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Defendant must file a written response by **Monday, June 15, 2015** at 9:00 a.m.

IT IS SO ORDERED.

Initials of Preparer

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